

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re Application of
Johnson et al.

Serial No.: **10/820,578**

Filed: **April 8, 2004**

For: **Delivery Vehicle With Automatic Door
Unlocking System**

Attorney's Docket No: **5115-001**

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) Group Art Unit: 3676
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Sir or Madam:

This is the third appeal brief filed in this case. On November 9, 2005 Applicant filed a Notice of Appeal and submitted payment of \$250. On January 9, 2006 an appeal brief was filed and was accompanied by a \$250 payment. Subsequently, the Examiner withdrew the final rejection and issued a new non-final office action. Applicant responded to that non-final office action. A final rejection was mailed on November 15, 2006. A second appeal brief was filed May 14, 2007. Again, the Examiner withdrew the final rejection and issued a new non-final office action. This appeal brief is in response to the last office action. Hence, there should be no fees required for filing this appeal brief. However, a time extension for two months is required and an Electronic Funds Transfer in the amount of **\$230** is being authorized with this filing. If any other fees are required, please charge them to Coats & Bennett Deposit Account No. 18-1167.

APPEAL BRIEF

(I.) REAL PARTY IN INTEREST

The real party in interest is Lott Johnson.

(II.) RELATED APPEALS AND INTERFERENCES

There are no related appeals or interferences.

(III.) STATUS OF CLAIMS

Claims 1-15 and 18-21 are pending. Claims 1-15 and 18-21 stand rejected and are appealed herein. Claims 16 and 17 have been canceled.

(IV.) STATUS OF AMENDMENTS

All amendments have been entered.

(V.) SUMMARY OF CLAIMED SUBJECT MATTER

Claim 1 is directed to a vacuum actuated automatic door latch assembly **22** that unlocks the door **18** of a delivery vehicle **10**. Spec. p. 3, ll. 21-25 and p. 4, ll. 1-4; Fig. 1. A latch **21** is operatively associated with a door **18** and is movable between locked and unlocked positions. Spec. p. 4, ll. 5-12; Figs. 2-3. A pneumatic actuator **30** is operatively associated with the latch **21** for causing the latch to move between the locked and unlocked positions. Spec. p. 5, ll. 2-5; Figs. 2-3. A vacuum line **40** is connected to the pneumatic actuator **30** and adapted to connect to a vacuum source associated with the vehicle. Spec. p. 5, ll. 22-25; Fig. 3. A control valve **42** is disposed between the vacuum source and the pneumatic actuator **30** for controlling the actuation of the pneumatic actuator. Spec. p. 5, ll. 25-26; Figs. 2-3. A biasing device **50**

engages the door **18** and biases the door towards an open position. Spec. p. 6, ll. 7-9; Figs. 2-3.

Claim 7 depends from claim 6 and is directed to a latching assembly **22** wherein the spring **54** is adapted to extend between a stop **58** disposed on the door **18** and an area adjacent the door **18**, and wherein the position of the spring **54** is adjustable with respect to the door **18**. Spec, p. 6, ll. 15-20 and Fig. 2.

Claim 8 depends from claim 7 and is directed to a latching assembly **22** wherein the spring **54** is at least partially contained within a sleeve **52**. Spec. p. 6, ll. 15-16 and Fig. 2.

Claim 9 depends from claim 8 and is directed to a latching assembly **22** wherein the spring **54** is fixed to a threaded bolt **56** that extends at least partially through the sleeve **52** and which can be adjusted with respect to the door **18**. Spec. p. 6, ll. 15 - 20 and Fig. 2.

Claim 10 is directed to a delivery vehicle **10** having a vacuum actuated latch assembly **22** for latching an access door **18** to a load compartment **14**. Spec. p. 3, ll. 15-23; Fig. 1. The delivery vehicle includes an engine for powering the vehicle and a compartment **14** for receiving and holding a load. Spec. p. 3, ll. 14-17; Fig. 1. A sliding door **18** permits access to the load compartment **14**. Spec. p. 4, ll. 3-4; Figs. 1 and 2. A vacuum actuated latch assembly **22** is provided for automatically unlocking the sliding door **18**. Spec. p. 2-3, ll. 20-25. A latch **21** is associated with the sliding door **18** for locking the door and is movable between a locked and an unlocked position. Spec. p. 4, ll. 6-12. A pneumatic actuator **30** is operatively associated with the latch and a vacuum line **40** is connected to the pneumatic actuator and extends from the engine of the vehicle. Spec. p. 5, ll. 2-25; Figs. 2-3. A control valve **42** is disposed between the engine and the pneumatic actuator **30** for controlling the actuation of the pneumatic actuator. Spec. p. 5, ll. 25-26 and p. 6, ll. 1-2; Figs. 2-3. A biasing device **50** engages the sliding door **18** and biases the sliding door towards an open position. Spec. p. 6, ll. 8-12; Fig. 2. The biasing device includes a spring **54** disposed adjacent the sliding door **18**. Spec. p. 6, ll. 15-16. When the sliding door **18** assumes a closed position the spring engages the sliding door **18** and is

compressed by the spring **54**. Spec. p. 6, ll. 21-24; Fig. 2. When the latch is moved from the locked position to the unlocked position the spring **54** forces the sliding door **18** open. Spec. p. 7, ll. 10-15; Fig. 3.

Claim 15 is directed to a method of unlocking a door **18** to a load compartment **14** of a delivery vehicle **10**. Spec. p. 7, ll. 6-15. The method entails directing a vacuum from an engine of the vehicle through a line **40** to a pneumatic actuator **30** that is operatively associated with a latch **21** that operates to lock the sliding access door **18**, and which is slidable between a locked position and an unlocked position. Spec. p. 7, ll. 9-19. The method includes utilizing the vacuum to actuate the pneumatic actuator **30** resulting in the actuator engaging the latch **21** and moving the latch from the locked position to the unlocked position. Spec. p. 7, ll. 9-19; Figs. 2-3. The method further entails biasing the sliding access door **18** towards an open position while the latch **21** assumes the locked position and locks the sliding access door **18** closed. Spec. p. 7, ll. 14-19; Fig. 2. Biasing the sliding access door **18** towards the open position includes securing a spring **54** adjacent the sliding access door **18** and extending the spring to where the spring engages a stop **64** that extends from the sliding access door **18**. Spec. p. 7, ll. 7-19; Fig. 2. Spring **54** pushes on the stop **64** and effectively biases the sliding door **18** towards the open position. Spec. p. 7, ll. 7-19; Fig. 3. Also, the biasing of the sliding access door **18** towards the open position is independent of the latch **21**. Spec. p. 7, ll. 6-19; Figs. 2-3.

Claim 21 depends from claim 10 and is directed to a delivery vehicle **10** wherein the spring **54** is at least partially housed within an elongated sleeve **52** that is fixed adjacent the sliding door **18**; and wherein the spring **54** is secured to a threaded bolt **56** that is held with a threaded support such that the threaded bolt **56** can move back and forth axially within the threaded support so as to adjust the position of the spring **54** with respect to the sliding door **18**. Spec. p.6, ll.14-20 and Fig. 2

(VI.) GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

Whether claims 1 – 4 and 6 – 8 are obvious over U.S. Patent No. 3,016,968 (“Lenz”) in view of U.S. Patent No. 4,170,374 to (“Garcia”).

Whether claim 9 is obvious over Lenz in view of Garcia and in further view of U.S. Patent No. 2,801,309 (“Higbie”).

Whether claims 1 – 8, 10 – 15 and 18 – 20 are obvious over Garcia in view of Lenz.

Whether claims 9 and 21 are obvious over Garcia in view of Lenz and in further view of Higbie.

(VII.) ARGUMENT

A. The Law of Obviousness

The Examiner bears the initial burden of making out a prima facie case of obviousness under §103. To establish a prima facie case of obviousness, the “references must expressly or impliedly suggest the claimed invention or the examiner must present a convincing line of reasoning as to why the artisan would have found the claimed invention obvious in light of the teachings of the references.” MPEP § 706.02(j). Further, the Patent Office must articulate an *explicit* reason why the differences between the prior art and the claimed invention would have been obvious to one of ordinary skill in the art. See *KSR v. Teleflex*, 127 S.Ct. 1727, 1742 (2007). In *KSR*, the Court stated, “rejections on obviousness grounds cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness.” *Id.* (citing *In re Kahn*, 441 F.3d 977, 988 (Fed. Cir. 2006)).

B. Claims 1 – 4 and 6 – 8 are Not Rendered Obvious over Lenz in View of Garcia

Claim 1 is as follows:

A vacuum actuated automatic door latching assembly for unlocking a door of a delivery vehicle, comprising:

- a. a latch operatively associated with the door for latching the door, the latch movable between the lock and unlocked positions;
- b. a pneumatic actuator operatively associated with the latch for causing the latch to move between the locked and unlocked positions;
- c. a vacuum line connected to the pneumatic actuator and adapted to connect to a vacuum source associated with the vehicle;
- d. a control valve disposed between the vacuum source and the pneumatic actuator for controlling the activation of the pneumatic actuator; and
- e. a biasing device engaging the door and biasing the door towards an open position.

1. The Examiner Fails to Set Forth a Prima Facie Case of Obviousness

Claim 1 requires “a biasing device engaging the door and biasing the door towards an open position.” The Examiner acknowledges that car trunk latch in Lenz does not disclose the biasing device for biasing the door towards an open position. However, the Examiner points to a biasing feature in Garcia that biases a cargo access door of a truck to an open position. The Examiner argues that it would be obvious to incorporate the Garcia biasing feature into Lenz to “lessen[] the chance the user would squish their fingers between the lid and the body panel.” Office Action, p.11.

The Examiner fails to set forth a prima facie case of obviousness. The motivation cited by the Examiner to incorporate a biasing member to the car trunk lid is not a relevant concern to users opening a trunk lid. Indeed, the only time a user would likely “squish their fingers” between the lid and the body panel is when the trunk lid is being closed. Since the biasing member biases the door toward an open position, it does not lessen the chance that a user would “squish their fingers” when the trunk lid is being shut. Thus, the motivation cited has no factual support. Thus, the Examiner has failed to describe an explicit reason why it would be obvious to incorporate the biasing feature of Garcia into the trunk lid of Lenz.

In addition, the biasing feature in Garcia is used on extremely heavy doors in commercial cargo vehicles. The biasing feature is large and provides additional complications to the locking mechanism on the door. Therefore, the biasing feature is only used on extremely heavy doors that a user will have trouble opening. Lenz, on the other hand, describes a conventional car trunk that is not used to haul heavy or commercial loads. Moreover, the lid of the trunk of a conventional car is not extremely heavy. Indeed, conventional car trunk lids are easy to open and can be opened by small children or the elderly. The Examiner provides no evidence that opening a conventional car trunk lid is difficult. Thus, it is illogical to incorporate a mechanism used for extremely heavy doors on heavy duty trucks into a conventional car trunk lid. This would only provide unnecessary complications and expense to the trunk lid. A person of ordinary skill in the art would not be motivated to incorporate a biasing feature used on an extremely heavy door into a trunk lid of a conventional car.

For at least these reasons, the Examiner has not set forth a prima facie case of obviousness for claims 1 – 4 and 6 – 8.

2. Lenz in View of Garcia Does Not Teach or Suggest a Spring that Extends to a Stop Disposed on the Door as required by Claim 7

Claim 7 depends from claim 6. Claims 6 and 7 are recited below:

Claim 6 is as follows:

The latching assembly of claim 1 wherein the biasing device includes a spring.

Claim 7 is as follows:

The latching assembly of claim 6 wherein the spring is adapted to extend between a stop disposed on the door and an area adjacent the door, and wherein the position of the spring is adjustable with respect to the door.

Claim 7 requires the spring to “extend between a stop disposed on the door and an area adjacent the door.” The Examiner acknowledges that Lenz does not disclose this limitation.

However, the Examiner argues that Garcia discloses a spring that extends between stop (74) disposed on the door and an area (42) adjacent the door. Office Action, p. 3. This factual finding is incorrect. As shown in Figure 2 of Garcia, reproduced below, spring (54) does not extend between stop (74) and area (42). Rather, spring (54) extends between the rubber boot (50) and area (42). Nothing in Garcia describes spring (54) extending all the way to stop (74). In contrast, Applicant drawings show that the claimed spring actually engages the stop and hence, the spring extends between the stop on the door and an area adjacent the door. Since neither Lenz nor Garcia describe a spring that extends all the way to the stop, claim 7 is not rendered obvious.

In addition, claim 7 requires the spring to be adjustable with respect to the door. Although the Examiner acknowledges that Lenz does not disclose this limitation, the Examiner argues that Garcia discloses that the length of spring (54) can be adjusted by adjusting the length of shank (52). Office Action, p. 3. However, this factual finding is incorrect. Nothing in Garcia teaches or suggests that shank (52) is adjustable. As shown in Figure 2, shank (52) is mounted on platform (42) and has no adjustment feature for adjusting the length of shank (52). Thus, Garcia does not teach or suggest a spring that is adjustable with respect to the door. For at least this reason, claim 7 is not rendered obvious over Lenz in view of Garcia.

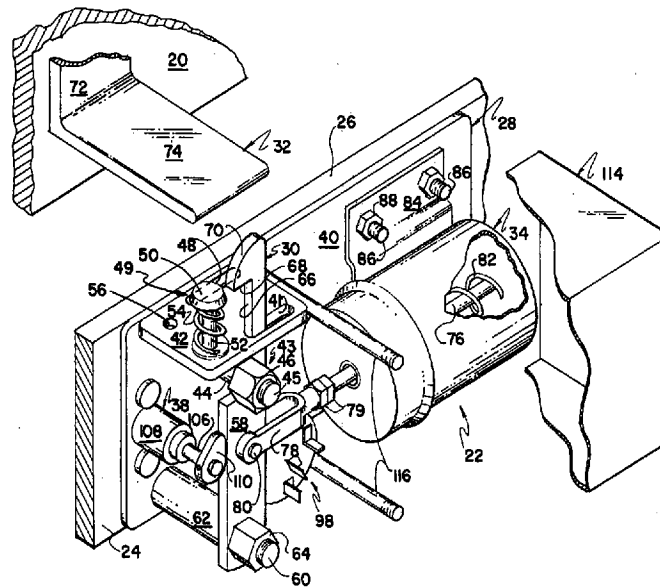


FIG. 2

3. Lenz in View of Garcia Does Not Teach or Suggest a Spring at Least Partially Contained Within a Sleeve as required by Claim 8

Claim 8 is as follows:

The latching assembly of claim 7 wherein the spring is at least partially contained within a sleeve.

Claim 8 calls for the spring to at least partially be contained within a sleeve. The Examiner acknowledges that Lenz does not teach or suggest this limitation. However, the Examiner argues that Garcia discloses spring (54) that is at least partially contained within boot (50). Again, the Examiner's factual finding is incorrect. Office Action, p. 3. As shown in Figure 2 of Garcia, boot (50) is not a sleeve. Instead, boot (50) is a rubber engaging stop for engaging leg (74). Moreover, spring (54) is not partially contained within boot (50). Instead, boot (50) is merely disposed at the end of shank (52) on which spring (54) is coiled. In fact, spring (54) is not partially contained within any member that could be deemed a sleeve. Instead, the spring (54) is entirely exposed. Thus, Garcia does not teach or suggest a sleeve that partially contains a spring. For at least this reason, claim 8 is not rendered obvious over Lenz in view of Garcia.

B. Claim 9 is Not Rendered Obvious over Lenz and Garcia, in Further View of Higbie

Claim 9 is as follows:

The latching assembly of claim 8 wherein the spring is fixed to a threaded bolt that extends at least partially through the sleeve and which can be adjusted with respect to the door.

Claim 9 requires the spring to be fixed to a threaded bolt. The Examiner acknowledges that neither Lenz nor Garcia disclose a spring secured to a threaded bolt. The Examiner cites Higbie as disclosing a spring disposed within a sleeve threadably secured to the frame of a vehicle. Office Action, p. 4. However, the Examiner fails to address that the claim is limited to a spring fixed to a threaded bolt. Since the Examiner fails to address an essential portion of the claim, the rejection fails as a matter of law.

Moreover, nothing in Higbie suggests that spring (27) is fixed to shaft (24). Rather, Higbie merely states that “coil spring (27) [is] coiled around the shaft (24).” See, Higbie, col. 2, l. 36. Further, the Examiner has not indicated that either Lenz or Garcia teach or suggest that the spring is fixed to a threaded bolt. Thus, claim 9 is not rendered obvious by Lenz in view of Garcia and in further view of Higbie.

C. Claims 1 – 8, 10 – 15 and 18 – 20 are Not Rendered Obvious Over Garcia in View of Lenz

Claim 10 is representative and is as follows:

A delivery vehicle having a vacuum actuated latch assembly for latching an access door to a load compartment, comprising:

- a. an engine for powering the vehicle;
- b. a compartment for receiving and holding a load;
- c. a sliding door for permitting access to the compartment of the vehicle;
- d. a vacuum actuated latch assembly for automatically unlocking the door, the vacuum actuated latch assembly comprising:
 - i. a latch operatively associated with a door for locking the door;
 - ii. the latch being movable between a locked and an unlocked position;
 - iii. a pneumatic actuator operatively associated with said latch for causing the same to move between the locked and unlocked position;
 - iv. a vacuum line connected to the pneumatic actuator and extending to the engine of the vehicle such that the engine of the vehicle serves as a vacuum source for the pneumatic actuator;
 - v. a control valve disposed between the engine and the pneumatic actuator for controlling the actuation of the pneumatic actuator;
 - vi. a biasing device for engaging the sliding door and biasing the sliding door towards an open position, the biasing device being spaced from the latch assembly and operable independently of the latch assembly, and wherein the biasing device includes a spring disposed adjacent the sliding door and positioned with respect to the sliding door such that when the sliding door assumes a closed position the spring engages the sliding door and is compressed by the sliding door, and wherein when the latch is moved from the locked position to the unlocked position the spring forces the sliding door to open.

1. The Examiner Fails to Set Forth a Prima Facie Case of Obviousness

Claim 10 requires “a vacuum line connected to the pneumatic actuator and extending to the engine of the vehicle such that the engine of the vehicle serves as a vacuum source for the pneumatic actuator” The Examiner acknowledges that Garcia does not disclose a vacuum source or a vacuum line connected to a pneumatic actuator. However, the Examiner points to Lenz as disclosing that the engine of the vehicle serves as a vacuum source for the pneumatic actuator. Office Action, p. 6.

To set forth a prima facie case of obviousness, the Examiner must explain why a person of ordinary skill in the prior art would be motivated to modify the primary reference. There must

be some *explicit* reasoning or motivation as to why the claimed invention would have been obvious. However, the Examiner fails to describe why one of ordinary skill in the art would be motivated to add a vacuum source to the Garcia latching mechanism. The purpose of the latching mechanism described in Garcia is to overcome problems in the prior art. Garcia specifically addresses problems in the prior art latching mechanisms, including vacuum operated latching mechanisms. See Garcia, col. 1, ll. 30 – 48. Garcia concludes that the prior art latching mechanisms are awkward and seeks to provide a different type latching mechanism than shown in the prior art. Thus, Garcia specifically teaches against using vacuum operating latching mechanisms. A person of ordinary skill in the art reading the Garcia disclosure would not be motivated to add a vacuum source to the latching mechanism. Instead, a person of ordinary skill in the art would understand that the Garcia latching mechanism overcomes problems identified in prior art vacuum operated latching mechanisms. Since the Examiner failed to set forth a prima facie case of obviousness, claims 1 – 8, 10 – 15 and 18 – 20 are not rendered obvious over Garcia in View of Lenz.

2. Claim 7 is Not Rendered Obvious over Garcia in View of Lenz

As previously discussed claim 7 requires a spring to “extend between a stop disposed on the door and an area adjacent the door.” The Examiner argues that Garcia discloses this limitation. Office Action, p. 8. This factual finding is incorrect. As shown in Figure 2 of Garcia, spring (54) does not extend between stop (74) and an area adjacent the door. Rather, spring (54) extends between the rubber boot (50) and an area adjacent the door. Nothing in Garcia describes spring (54) extending all the way to stop (74). In contrast, Applicant drawings show that the claimed spring actually engages the stop and hence, the spring extends between the stop on the door and an area adjacent the door. Thus, Garcia in view of Lenz does not rendered claim 7 obvious.

In addition, claim 7 requires the spring to be adjustable with respect to the door. The Examiner argues that Garcia discloses that the length of spring (54) can be adjusted by adjusting the length of shank (52). Office Action, p. 8. However, nothing in Garcia teaches or suggests that shank (52) is adjustable. Moreover, as shown in Figure 2, shank (52) is mounted on platform (42) and has no adjustment feature for adjusting the length of shank (52). Thus, Garcia does not teach or suggest a spring that is adjustable with respect to the door. Further, the Examiner does not indicate that Lenz teaches or suggests this limitation. For at least this reason, claim 7 is not rendered obvious over Garcia in view of Lenz.

3. Claim 8 is Not Rendered Obvious over Garcia in View of Lenz

Claim 8 calls for the spring to at least partially be contained within a sleeve. The Examiner argues that Garcia discloses spring (54) that is at least partially contained within boot (50). Office Action, p. 7. Again, the Examiner's factual finding is incorrect. As shown in Figure 2 of Garcia, boot (50) is not a sleeve. Instead, it is a rubber engaging stop for engaging leg (74). Moreover, spring (54) is not partially contained within boot (50). Instead, boot (50) is merely disposed at the end of shank (52) on which spring (54) is coiled around. Thus, Garcia does not disclose a sleeve or a spring partially contained within a sleeve. Further, the Examiner does not indicate that Lenz teaches or suggests this limitation. For at least this reason, claim 8 is not rendered obvious over Garcia in view of Lenz.

C. Claims 9 and 21 are Not Rendered Obvious over Garcia and Lenz in Further View of Higbie.

Claim 9 requires the spring to be fixed to a threaded bolt. Similarly, claim 21 requires the spring to be secured to a threaded bolt. The Examiner acknowledges that neither Lenz nor Garcia disclose a spring fixed or secured to a threaded bolt. The Examiner cites Higbie as disclosing a spring disposed within a sleeve threadably secured to the frame of a vehicle. Office

Action, p. 4. However, the Examiner fails to address that the claim is limited to a spring fixed or secured to a threaded bolt. Nothing in Higbie suggests that spring (27) is fixed or secured to shaft (24). Rather, Higbie merely states that “coil spring (27) [is] coiled around the shaft (24).” See, Higbie, col. 2, l. 36. Moreover, the Examiner has not indicated that either Lenz or Garcia teach or suggest that the spring is fixed or secured to a threaded bolt. Thus, claims 9 and 21 is not rendered obvious by Lenz in view of Garcia and in further view of Higbie.

D. Conclusion

For the reasons set forth above, it is respectfully urged that the present application is in condition for allowance and allowance is respectfully requested

(VIII.) CLAIMS APPENDIX

1. A vacuum actuated automatic door latching assembly for unlocking a door of a delivery vehicle, comprising:
 - a. a latch operatively associated with the door for latching the door, the latch movable between the lock and unlocked positions;
 - b. a pneumatic actuator operatively associated with the latch for causing the latch to move between the locked and unlocked positions;
 - c. a vacuum line connected to the pneumatic actuator and adapted to connect to a vacuum source associated with the vehicle;
 - d. a control valve disposed between the vacuum source and the pneumatic actuator for controlling the activation of the pneumatic actuator; and
 - e. a biasing device engaging the door and biasing the door towards an open position.
2. The door latching assembly of claim 1 wherein the latch includes a locking lever that is pivotally mounted and movable between a locked and unlocked position, wherein the pneumatic actuator includes an arm that engages the locking member and moves the locking member in at least one direction between the locked and unlocked positions.
3. The door latch assembly of claim 1 where the latch assembly includes a conventional key lock but wherein the pneumatic actuator is operative to actuate the latch independent of the key lock.
4. The latching assembly of claim 2 wherein the locking lever is of a generally L-shape and includes a terminal end portion that includes a catch for engaging a receiver secured to the door to be latched.
5. The door latching assembly of claim 1 further including a delivery vehicle having a load compartment and a sliding door that permits access to the load compartment and

wherein the latching assembly is mounted adjacent the sliding door and wherein the vehicle includes an engine that serves as the vacuum source for actuating the pneumatic actuator.

6. The latching assembly of claim 1 wherein the biasing device includes a spring.

7. The latching assembly of claim 6 wherein the spring is adapted to extend between a stop disposed on the door and an area adjacent the door, and wherein the position of the spring is adjustable with respect to the door.

8. The latching assembly of claim 7 wherein the spring is at least partially contained within a sleeve.

9. The latching assembly of claim 8 wherein the spring is fixed to a threaded bolt that extends at least partially through the sleeve and which can be adjusted with respect to the door.

10. A delivery vehicle having a vacuum actuated latch assembly for latching an access door to a load compartment, comprising:

- a. an engine for powering the vehicle;
- b. a compartment for receiving and holding a load;
- c. a sliding door for permitting access to the compartment of the vehicle;
- d. a vacuum actuated latch assembly for automatically unlocking the door, the vacuum actuated latch assembly comprising:
 - i. a latch operatively associated with a door for locking the door;
 - ii. the latch being movable between a locked and an unlocked position;
 - iii. a pneumatic actuator operatively associated with said latch for causing the same to move between the locked and unlocked position;

- iv. a vacuum line connected to the pneumatic actuator and extending to the engine of the vehicle such that the engine of the vehicle serves as a vacuum source for the pneumatic actuator;
- v. a control valve disposed between the engine and the pneumatic actuator for controlling the actuation of the pneumatic actuator;
- vi. a biasing device for engaging the sliding door and biasing the sliding door towards an open position, the biasing device being spaced from the latch assembly and operable independently of the latch assembly, and wherein the biasing device includes a spring disposed adjacent the sliding door and positioned with respect to the sliding door such that when the sliding door assumes a closed position the spring engages the sliding door and is compressed by the sliding door, and wherein when the latch is moved from the locked position to the unlocked position the spring forces the sliding door to open.

11. The delivery vehicle of claim 10 wherein the pneumatic actuator includes a pneumatic cylinder.

12. The delivery vehicle of claim 11 wherein the latch includes a locking lever for engaging a receiver secured to the door, and wherein the pneumatic actuator includes an arm for engaging and moving the locking lever from a locked position to an unlocked position.

13. The delivery vehicle of claim 11 wherein the pneumatic actuator can only be actuated to unlatch the latch when the engine of the vehicle is running.

14. The delivery vehicle of claim 13 wherein the latch normally assumes a locked position, and wherein the arm that extends from the pneumatic actuator is operative upon the actuation of the pneumatic actuator to engage the latch and move the latch to the unlocked position.

15. A method of unlocking a sliding access door to a load compartment of a delivery vehicle comprising: directing a vacuum from an engine of the vehicle through a line to a pneumatic actuator that is operatively associated with a latch that operates to lock the sliding access door and which is movable between a locked position and an unlocked position; utilizing the vacuum to actuate the pneumatic actuator and wherein the actuation of the pneumatic actuator results in the actuator engaging the latch and moving the latch from the locked position to the unlocked position, permitting the sliding access door to open; shutting the engine off; and closing the sliding access door causing the latch to lock the sliding access door; biasing the sliding access door towards an open position while the latch assumes the locked position and locks the sliding access door closed; wherein biasing the sliding access door towards an open position includes securing a spring adjacent to the sliding access door and extending the spring to where the spring engages a stop that extends from the sliding access door such that the spring pushes on the stop and effectively biases the sliding access door towards an open position; and wherein the biasing of the sliding access door towards the open position is independent of the latch that operates to lock the sliding access door and wherein when the latch is moved from the locked position to the unlocked position, the spring causes the sliding access door to move towards the open position.

18. The method of claim 15 including actuating a control valve that is effective to permit the vacuum to reach the pneumatic actuator and wherein when the vacuum reaches the pneumatic actuator, the pneumatic actuator is actuated which results in the latch being engaged and moved to the unlocked position.

19. The method of claim 15 wherein the pneumatic actuator includes an arm that extends past a portion of a locking lever that forms a part of the latch assembly; wherein the actuation of the pneumatic actuator causes the arm to move and to engage a portion of the locking lever which results in the locking lever being pulled from its locked position to an unlocked position.

20. The method of claim 19 wherein the locking lever is pivotally mounted for movement about an axis and wherein the actuation of the pneumatic actuator causes the locking lever to rotate from a locked position to an unlocked position.

21. The delivery vehicle of claim 10 wherein the spring is at least partially housed within an elongated sleeve that is fixed adjacent the sliding door; and wherein the spring is secured to a threaded bolt that is held with a threaded support such that the threaded bolt can move back and forth axially within the threaded support so as to adjust the position of the spring with respect to the sliding door.

(IX.) EVIDENCE APPENDIX

None.

(X.) RELATED PROCEEDINGS APPENDIX

None.

Respectfully submitted,

COATS & BENNETT, P.L.L.C.

A handwritten signature in black ink, reading "Kathleen Cavanagh". The signature is written in a cursive style with a horizontal line underneath the name.

Dated: June 25, 2008

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